

NOV 06 2006

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**REMARKS**

Claims 31-50 were pending in the application. Claims 31 and 39 have been cancelled.

Please cancel claims 31 and 39 without prejudice as Applicant reserves the right to pursue the dependent claims. Claims 32, 37, 40, 45, 47, and 49 have been amended. No new matter has been added. Accordingly, claims 32-38 and 40-50 remain pending in the application. Reconsideration is respectfully requested in view of the amendments to the claims and the remarks below.

**I. Specification**

The Examiner objected to the amendment filed May 26, 2006, as containing new matter. Specifically the Examiner asserts that the addition of “pseudo” before the limitation “random number” introduces new matter. Applicant respectfully disagrees - not all matter added to the disclosure after the filing date of a patent application is new matter—material that is implicit, intrinsic, or inherent in the application as filed is *not* new matter. See *Kolmes v. World Fibers Corp.*, 107 F.3d 1534, 1539, 41 USPQ2d 19829, 1832 (Fed. Cir. 1997) (“[T]o avoid the new matter prohibition, an applicant must show that its original application supports the amended matter”).

Applicant respectfully submits that one of ordinary skill in the art would readily recognize that a pseudo random number is generated by hashing the user’s pass phrase as disclosed on page 7, lines 22-23 of the Applicant’s specification, and not a “random number”. In general, pseudo-random numbers have the characteristic that they are predictable (*see* <http://www.random.org/essay.html>; *see also* page 5, lines 1-3 of the Office Action mailed January 13, 2006). In the instant case, the number generated based on the user’s pass phrase will be the same number each and every time as long as the user’s pass phrase does not change – and accordingly, Applicant has amended the specification (and drawings), as well as the claims, to

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recite that a pseudo random number is generated, which is consistent with and supported by Applicant's specification. Moreover, the Examiner recognized such is the case as indicated on page 3 of the Office Action mailed January 13, 2006.

## **II. Drawings**

The Examiner objected to the drawings filed May 26, 2006, as containing new matter. Applicant respectfully submits that the drawings filed on May 26, 2006, do not contain new matter for the reasons discussed above. The drawings filed May 26, 2006, are supported by the original disclosure and also correspond to the claims. Applicant respectfully requests withdrawal of the objections to the drawings.

## **III. Claim Objections**

Claim 49 was objected to as containing a typographical error. Applicant has amended claim 49 to depend from claim 47.

Claims 31, 39, and 47 were objected to as not corresponding to figures in a manner that disclose the limitations of the claims in the figures. Claims 31 and 39 have been cancelled rendering the objections moot with respect to these claims. Claim 47 has been amended to include limitations shown in the drawings.

## **IV. The §112 Rejections**

Claims 32-36 and 40-44 were rejected under 35 U.S.C. §112, first paragraph. In particular, the Examiner asserts that the limitation "pseudo random number" is not supported by the original disclosure. For the reasons discussed above, Applicant respectfully submits that the limitation "pseudo random number" is supported by the original disclosure, and such would be recognized by one of ordinary skill in the art.

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Applicant, therefore, respectfully requests withdrawal of the §112 rejections.

**V. Allowable Subject Matter**

Applicant wishes to thank the Examiner for indicating that claims 32-36 and 40-44 recite allowable subject matter. Accordingly, Applicant has amended each of claims 32 and 40 to include the limitations of respective base claims and any intervening claims. Claims 32 and 40 (and the claims that depend therefrom) should be in condition for allowance.

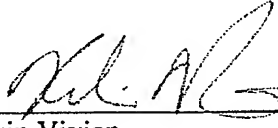
*Other Independent Claims*

Claim 47 has been amended to incorporate limitations similar to those of claims 32 and 40. Claim 47 (and the claims that depend therefrom) should also be in condition for allowance.

Should any unresolved issues remain, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,  
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November 6, 2006  
Date

  
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